

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

July 18, 2024

LAURA A. AUSTIN, CLERK

BY:

/s/T. Taylor  
DEPUTY CLERK

THAD GILBERT COOPER,

Plaintiff,

v.

WRSP, *et al.*,

Defendants.

Civil Action No. 7:23cv00706

**MEMORANDUM OPINION**

By: Hon. Thomas T. Cullen  
United States District Judge

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Plaintiff Thad Gilbert Cooper, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On June 17, 2024, defendants Johnson and Wallens Ridge State Prison (“WRSP”) filed a motion to dismiss, and on June 18, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). (*See* ECF Nos. 17 & 19.) The *Roseboro* notice gave Cooper 21 days to file a response to the motion to dismiss and advised him that, if he did not respond to the defendants’ motion, the court would “assume that [he] has lost interest in the case, and/or that [he] agrees with what the Defendant[s] state[] in their responsive pleading(s).” (*See* ECF No. 19.) The notice further advised Cooper that, if he wished to continue with the case, it was “necessary that [he] respond in an appropriate fashion,” and that if he failed to file a response to the motion within the time allotted, the court “may dismiss the case for failure to prosecute.” (*Id.*) To date, Cooper has not responded to the defendants’ motion to dismiss or the court’s notice.

Further, by order entered May 15, 2024, the court directed Cooper to advise the court within 14 days as to whether he intended to substitute Correctional Officer Charles Kennedy as a defendant in place of Correctional Officer Kenney. (ECF No. 16.) The court warned

Cooper that if he did not respond to the court's order, the court would dismiss his claims against Correctional Officer Kenney without prejudice. Cooper did not respond to the court's order.

Based on the foregoing, the court will dismiss this action against all of the defendants without prejudice for failure to prosecute.

The Clerk shall send copies of this Memorandum Opinion and the accompanying Order to the parties.

**ENTERED** this 18th day of July, 2024.

/s/ Thomas T. Cullen  
HON. THOMAS T. CULLEN  
UNITED STATES DISTRICT JUDGE